

SENTENCINGDate: 3/18/2016Judge: TrengaReporter: R. MontgomeryStart: 9:08End: 9:42**UNITED STATES of AMERICA**Case Number: 1:15-CR-00178-001

V.

HAROLD BAILEY GALLISON, II (1)Counsel/Deft: Joseph McCarthy/Patrick Hall Counsel/Govt: Kosta Stojilkovic/Nathan Dimock/Michael O'Neill

Interpreter: _____

Court adopts PSI () without exceptions (X) with exceptions: Def. has no objection to the PSI. Govt. states they have no objection other than what is noted in their papers. The govt. states the g/l should be 1 point lower in the PSR as stated in their position. For the reasons stated in open court, the govt. finds that this deft. merits the highest sentence of any of the deft's in this case. The govt. requests that the deft. be allowed to self-surrender in 6 months so that he may complete his cooperation. The govt. enters a Consent Order of Forfeiture and a Consent Order to Defer Restitution, in open court.

Def. requests a variance from the g/l due to the deft's generous nature, that he's a dedicated family man, his age and that he is cooperating. Def. requests RDAP and the self surrender date that the govt. is asking. For the reasons stated in open court and the factors set forth in 18 U.S.C. §3553, the Court imposed a sentence below the g/l and to self surrender in 6 months. The Court concludes that the g/l are most appropriately calculated with a base offense level of 8 as was agreed to in the plea agreement. With a base offense level of 8 increased by 22 under 2B1.1(b)(1)(L), 4 level enhancement under 2S1.1(b)(2)(C), a 2 level enhancement under 2B1.1(b)(10) and a 4 level enhancement under 3B1.1(a) results in a total offense level of 40, reduced by 3 levels for acceptance results in an overall total of 37. A Total Offense level of 37 with a Criminal History Category of II reduces the imprisonment range to 235 to 293 months. The Court recommends designation to FCI Florence, CO, if available and appropriate and for the deft to be evaluated and if appropriate, participate in RDAP. The deft. requests to fly to New York on his way to Colorado, to pick up his daughter – granted. The govt. requests the additional condition to be added to the deft's bond, that the deft. participate in Substance abuse testing and treatment, at the direction of the probation officer - granted.

SENTENCING GUIDELINES :

Court departs from Guidelines pursuant to:

Offense Level: 38 - 37Criminal History: IIImprisonment Range: 262 to 327 months - 235 to 293 monthsSupervised Probation: to YearsSupervised Release: 1 to 3 YearsFine Range: \$ 25,000 To \$ 50,000,000Restitution \$ TBDSpecial Assessment \$100 (as to each Ct.)_____
USSG 5H1.4_____
USSG 5K1.1_____
USSG 5K2.12_____
USSG 5C1.2**JUDGMENT OF THE COURT:**BOP for 216 months, w/credit for time served, which consists of 216 months as to each Ct., to run concurrently.Supervised Release for 2 years, with special conditions, which consists of 2 years as to each Ct., to run concurrently.Supervised Probation for years, with special conditions.Fine Imposed of \$ payable immediately.Restitution of \$ TBD payable immediately.Special Assessment \$300 (\$100 as to each Ct.)

(X) Fine/costs of incarceration waived.

SPECIAL CONDITIONS:

- ☒ Deft. shall participate in SATT, which may include residential treatment and testing, as directed by probation.
- ☒ Deft. shall provide the probation officer access to any requested financial information.
- ☒ Deft. shall apply all monies received from income tax refunds, lottery winnings, inheritances, judgments and any anticipated or unexpected financial gains, to the outstanding court-ordered financial obligation.
- ☒ Deft. shall not incur new credit charges or open additional lines of credit without the approval of probation.
- ☒ Deft. shall refrain from any self-employment or consulting work.
- ☒ Deft. shall make payments on any restitution judgement to be imposed, in monthly installments of \$150, to commence 60 days after release.

RECOMMENDATIONS to BOP:

- ☒ Dft. to be designated to FCI Florence, Colorado.
- ☐ Dft. designated to facility to participate in ICC (Boot Camp) type program
- ☒ Dft. to participate in the BOP 500 Hour Residential Drug Abuse Treatment Program (RDAP).
- ☐ Other: _____

Defendant: () Remanded () Cont'd on Bond () Referred to USPO ☒ Self-surrender